

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BODUM USA, INC.,

Plaintiff,

-against-

METROPOLITAN TEA COMPANY LTD.,

Defendant.

Case No. 07-CV-7455 (DLC)

CERTIFICATE OF SERVICE

Attached is the Certificate of Service of Legal Language Services for service of the Summons, Bodum USA, Inc.'s Rule 7.1 Statement, Civil Cover Sheet, and Complaint by hand delivery on October 29, 2007, on Metropolitan Tea Company, Ltd., 41A Butterick Road, Toronto, Ontario M8W 4W4, Canada.

Dated: New York, New York
December 11, 2007

VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.

By: 

Marie A. Tieri, Esq. (MT-0910)

1633 Broadway
New York, New York 10019
(212) 407-7700

Attorneys for Plaintiff
BODUM USA, INC.

**REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS**

*DEMANDE
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE*

Convention on the service abroad of judicial and extrajudicial documents in civil or
commercial matters, signed at The Hague, November 15, 1965.

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile
ou commerciale, signée à La Haye, le 15 Novembre 1965.*

Identity and address of the applicant
Identité et adresse du requérant

Karina J. Shreefer, Esq.
LEGAL LANGUAGE SERVICES
8014 State Line Road, Suite 110
Leawood, Kansas 66208
UNITED STATES OF AMERICA
Tel. 1.913.341.3167

Address of receiving authority
Adresse de l'autorité destinataire

CENTRAL AUTHORITY OF THE PROVINCE OF ONTARIO
Ministry of the Attorney General
Courts Administration, Ontario Court (Provincial Division)
Court House
393 Main Street
Haileybury, Ontario
CANADA P0J 1K0

The undersigned applicant has the honour to transmit -in duplicate- the document listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

(identity and address)

Le requérant soussigné a l'honneur de faire parvenir en double exemplaire à l'autorité destinataire les documents ci-dessous énumérés, en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:

(identité et adresse) METROPOLITAN TEA COMPANY, LTD.

41A Butterick Road, Toronto, Ontario M8W 4W4, CANADA



(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*

(a) selon les formes légales (article 5, alinéa premier, lettre a).



(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:

(b) selon la forme particulière suivante (article 5, alinéa premier, lettre b) : Personal service in accordance with your internal

law for service of documents upon persons or entities in your territory.

Bank draft for services of Canadian Sheriff attached.



(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*:

(c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents and of the annexes*--with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte et de ses annexes avec l'attestation figurant au verso.

SERVICE IS REQUESTED PURSUANT TO PUBLIC LAW 97-462 OF FEB. 26, 1983 WHICH AMENDED RULE 4(c)(2)(a) OF THE U.S. FEDERAL RULES OF CIVIL PROCEDURE.

List of documents

Énumération des pièces

Executed "Request," in duplicate

"Certificate" (unexecuted), in duplicate

"Summary" with Attachment "A," in duplicate

"Notice," in duplicate

Summons in a Civil Action, in duplicate

Bodum USA, Inc.'s, Rule 7.1 Statement, in duplicate

Civil Cover Sheet, in duplicate

Complaint with Exhibit's A & B, in duplicate

Done at Leawood, Kansas, U.S.A., the 24 Sept. 2007

Fait à _____, le _____

Signature and/or stamp.

Signature et/ou cachet.

Karina Shf

¹ (Formerly OBD-116 which was formerly LAA-116,
both of which may still be used)

**CERTIFICATE
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served *

1. que la demande a été exécutée

- the (date)

- le (date)

- at (place, street, number)

- à (localité, rue numéro)

27th day of October, 2007, in the City of Toronto
Province of Ontario
414 Buttrick Road,

- in one of the following methods authorised by article 5-

-dans une des formes suivantes prévues à l'article 5:

☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.

a) selon les formes légales (article 5, alinéa premier, lettre a).

☐ (b) in accordance with the following particular method*:

b) selon la forme particulière suivante :

☐ (c) by delivery to the addressee, who accepted it voluntarily.*

c) par remise simple

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

-(identity and description of person)

-(identité et qualité de la personne)

Gary Vandegrift

-relationship to the addressee (family, business, or other):

-liens de parenté, de subordination ou autres, avec le destinataire de l'acte:

Owner

2) that the document has not been served, by reason of the following facts*:

2. que la demande n'a pas été exécutée, en raison des faits suivants:

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

Annexes

Annexes

Documents returned:

Pièces renvoyées:

In appropriate cases, documents establishing the service:

Le cas échéant, les documents justificatifs de l'exécution:

As per request for
Service - attached

Done at

Toronto

, the

30th day of
October, 2007

Fait à

, le

Signature and / or stamp.

Signature et / ou cachet

Arbo E0 #26

SUMMARY OF THE DOCUMENT TO BE SERVED
ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'arranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

(article 5, fourth paragraph)
(article 5, alinéa 4)

Name and address of the requesting authority: Karina J. Shreefer, Esq.
Nom et adresse de l'autorité requérante : LEGAL LANGUAGE SERVICES
8014 State Line Road, Suite 110, Leawood, Kansas 66208, U.S.A.
Tel. 1.913.341.3167

Particulars of the parties*:
Identité des parties : BODUM USA, INC., Plaintiff
METROPOLITAN TEA COMPANY, LTD., Defendant

JUDICIAL DOCUMENT**
ACTE JUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte : To give notice to the Defendant of the commencement of a civil claim against it and to summon it to answer or otherwise respond.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:
Nature et objet de l'instance, le cas échéant, le montant du litige : See Attachment "A."

Date and place for entering appearance**:
Date et lieu de la comparution : Defendant is summoned and required to serve upon Plaintiff's Attorney (Vedder Price Kaufamn & Kammholz, P.C.) an Answer to the Complaint within twenty (20) days after service of the Summons, exclusive of the day of service. Any Answer the Defendant serves on the parties to this action must be filed within a reasonable period of time after service with the Clerk of the United States District Court, Southern District of New York located at: 500 Pearl Street, New York, New York 10007, U.S.A.

Court which has given judgment**:
Jurisdiction qui a rendu la décision : N/A

Date of judgment**:
Date de la décision : N/A

Time limits stated in the document**:
Indication des délais figurant dans l'acte : Defendant is summoned and required to serve upon Plaintiff's Attorney (Vedder Price Kaufamn & Kammholz, P.C.) an Answer to the Complaint within twenty (20) days after service of the Summons, exclusive of the day of service. If Defendant fails to do so, judgment by default will be taken against it for the relief demanded in the Complaint. Any Answer the Defendant serves on the parties to this action must be filed with the Clerk of the Court within a reasonable period of time after service.

EXTRAJUDICIAL DOCUMENT**
ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte : N/A

Time limits stated in the document**:
Indication des délais figurant dans l'acte : N/A

* If appropriate, identity and address of the person interested in the transmission of the document.
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

** Delete if inappropriate.
Rayer les mentions inutiles.

Attachment "A"
to "Summary of the Document to be Served"

Plaintiff Bodum USA, Inc. brings this action for trade dress infringement against Defendant Metropolitan Tea Company, Ltd. Plaintiff asserts that the Defendant has deliberately copied, produced and sold coffee-presses that appear identical in appearance to Plaintiff's competing Chambord® French coffee-press, and that Plaintiff has been and will continue to be seriously and irreparably injured unless Defendant Metropolitan Tea's conduct is enjoined.

Plaintiff alleges against the Defendant violations of federal trade dress infringement and New York State laws, including common law unfair competition, and violation of New York Consumer Protection from Deceptive Acts and Practices.

Plaintiff seeks judgment that Defendant has infringed Plaintiff's trade dress rights and requests the following: preliminary and permanent injunctive relief; an order to deliver to the Court for destruction the subject coffee makers, recall all products or packaging bearing a trade dress that is identical or similar to the Bodum Chambord® Trade Dress, and refund monies paid for such products to its customers; order an accounting and pay to Plaintiff profits received from the sale of Defendant's products that are identical or confusingly similar to the Bodum Chambord® Trade Dress; damages; treble damages; attorneys' fees and costs; and such other relief as the Court may deem just.

NOTICE

*(recommended by the Fourteenth Session of
Hague Conference of October, 1980)*

identité et adresse du destinataire
identity and address of the addressee

METROPOLITAN TEA COMPANY, LTD.
41A Butterick Road
Toronto, Ontario M8W 4W4
CANADA

TRÈS IMPORTANT

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES "ÉLÉMENTS ESSENTIELS DE L'ACTE" VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE SOIT DANS VOTRE PAYS SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES :

Legal Services for New York City
350 Broadway, 6th Floor
New York, New York 10013
U.S.A.
Tel. 1.212.431.7200

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE "SUMMARY OF THE DOCUMENT TO BE SERVED" WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD, HOWEVER, READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

Legal Services for New York City
350 Broadway, 6th Floor
New York, New York 10013
U.S.A.
Tel. 1.212.431.7200